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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,483	03/19/2001	Vitaliy Veniaminovich Ginzburg	VISP-3/50060	3961

7590 03/25/2004  
J. Harold Nissen  
Lackeback Siegel LLP  
One Chase Road  
Scarsdale, NY 10583

EXAMINER

VOELTZ, EMANUEL T

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/787,483

Applicant(s)

GINZBURG ET AL.

Examiner

Emanuel T. Voeltz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 March 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_



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## Examiner's Detailed Office Action

1. This action is in response to patent application number 09/787,483, filed March 19, 2001.
2. Claims 1,2 and 4-12 have been examined, claim 3 has been cancelled, see preliminary amendment.

### Priority

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d) dated March 19, 2001, paper no. 3, which papers have been placed of record in the file.

### Preliminary Amendment

4. Receipt is acknowledged of a preliminary amendment dated March 19, 2001, paper no. 4, which has been placed of record in the file and has been fully considered in light of the outstanding office action.

### Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1,2 and 4-12 are rejected under 35 USC § 112 second paragraph because there is insufficient antecedent basis in the claims.

7. As per claim 1, the phraseology, "the units" in lines, 4, 6, 11, 24 is unclear and indefinite. It is not clear if applicant intended to further include the phraseology "the units" in the preamble

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as part of the “engineering equipment” or not. Evidence that might lead the examiner to believe this is that applicant recites similar phraseology in line 19, namely “a specific unit”, which refers to the engineering equipment. Further, the phraseology, “it” in line 11. It is unclear and ambiguous what applicant refers to while using this language. Clarification is requested.

8. As per claim 5, again applicant has used the phraseology “it” in line 1. It is again unclear and ambiguous what applicant refers to while using this language. Clarification is requested.

### Allowable Subject Matter

9. Claims 1,2 and 4-12 are allowable over the prior art of record because the references taken individually or in combination fail to disclose or teach a structured system for monitoring and controlling engineering equipment in an installation wherein the system comprises a central computer module with an input-output device to which control sensors and/or measurement sensors and/or control sensors and control devices for the subassemblies and units of the engineering equipment of the building are connected by the channels of the data network. The system further is provided with controllers connected by a “hierarchical-star” circuit or a bus circuit to the input-output device of the central computer module and remote input-output modules are serially connected to each controller and a corresponding sensor or control device is connected to each of said modules. At least one supplementary computer station is also provided, which is connected via its input-output module to a corresponding software-driven controller responsible for local monitoring and control of subassemblies and units in at least one functionally independent section of the engineering installation of the building.

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### Prior Art of Record

10. The following references have been cited by the examiner as pertinent to the examination of the patent application because they show the general state of the art monitoring and controlling systems for building installations.

U.S. Patent 4,319,338, granted to Grudowski et al.;  
U.S. Patent 4,964,058, granted to Brown Jr.;  
U.S. Patent 5,696,495, granted to Pietzsch et al.;  
U.S. Patent 6,059,439, granted to Besnard;  
U.S. Patent 6,208,904 B1, granted to Mullen Jr.;  
U.S. Patent 6,405,103 B1, granted to Ryan et al.

### Correspondence Information

11. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Emanuel Todd Voeltz** who may be reached via telephone at **(703) 305-4563**. The examiner can normally be reached Monday through Friday between the hours of 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send an Official facsimile transmission, please send it to **(703) 872-9306**.  
If you would like to send a Non-Official (draft) facsimile transmission the fax is **(703) 746-5104**.  
If attempts to reach the examiner by telephone are unsuccessful, the Examiner's Supervisor, **Anil Khatri**, may be reached at **(703) 305-0282**.

Any response to this office action should be mailed too: **Director of Patents and Trademarks Washington, D.C. 20231**.

Moreover, hand-delivered responses should be delivered to the Receptionist, located on the **fourth floor of Crystal Park 11, 2121 Crystal Drive Arlington, Virginia**.

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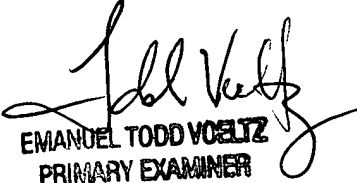
*Emanuel Todd Voeltz*

Primary Patent Examiner

Art Unit 2121

United States Department of Commerce

Patent & Trademark Office

  
EMANUEL TODD VOELTZ  
PRIMARY EXAMINER